

# EXHIBIT 22

**Matthew Kaplan**

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**From:** Michael D. Pinnisi [mpinnisi@pinnisianderson.com]  
**Sent:** Saturday, December 01, 2007 5:18 PM  
**To:** 'Matthew Kaplan'  
**Cc:** 'Toby Butterfield'; Gary@bartonesq.com; 'Mark Ingber'; 'Brian Greenfield'  
**Subject:** RE: Lyons/Party Art - Draft Order

I will discuss and reserve deposition dates after we have a discovery order from the Court and reasonable assurance that Plaintiffs will fully comply in a timely manner. At present we do not have the former, and past history teaches to suspect the latter. Premature reservation of dates would be an expense and inconvenience and waste of time.

Once your documents have been provided, my firm will proceed as soon as counsel are available. Given Ms. Sherman's known conduct, her vacation plans are irrelevant to me. If we can proceed with her deposition before January 13, she'll have to change her plans. If you can't arrange that, you'll have to explain your inability to produce your witness to the judge.

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**From:** Matthew Kaplan [mailto:mkaplan@cdas.com]  
**Sent:** Thursday, November 29, 2007 5:30 PM  
**To:** Gary@bartonesq.com; 'Mark Ingber'; 'Michael D. Pinnisi'; 'Brian Greenfield'  
**Cc:** 'Toby Butterfield'  
**Subject:** Lyons/Party Art - Draft Order

Dear Mr. Adelman:

During the conference on Monday afternoon, I believe you stated that you would prepare and circulate the draft order based upon Judge Stanton's decisions. As it is now Thursday afternoon, when can we expect to see the draft order?

Also, if all counsel would please provide me with available dates in December and early January for witness depositions. So you are all aware, Ms. Sherman is going to unavailable starting December 26<sup>th</sup> through January 13<sup>th</sup> as she will be out of the country during her winter break.

Regards,  
Matthew

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